

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

TWELFTH LEGISLATIVE DAY
FRIDAY, JANUARY 19, 2007

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Hill, absent and formally excused by the Chair; and Senators Bair, Bilyeu, Broadsword, Burkett, Cameron, Fulcher, Hammond, Keough, and Richardson, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Bethany Romney, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Burkett was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 18, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJR 102

BY SCHROEDER

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, TO PROVIDE THAT THE FAITHFUL EXECUTION OF ALL LAWS AND EDUCATION POLICIES ESTABLISHED BY THE IDAHO LEGISLATURE SHALL BE VESTED IN A STATE BOARD OF EDUCATION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

SR 101 BY SCHROEDER

A SENATE RESOLUTION

PROVIDING FOR THE AMENDMENT OF RULE 42 OF THE RULES OF THE SENATE.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable to amend Rule 42 of the Rules of the Senate.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, that Rule 42 of the Rules of the Senate be amended to read as follows:

RULE 42

Gubernatorial Appointments.--Any appointment by the Governor of the State of Idaho which requires confirmation by the Senate shall be on the desk of the President of the Senate and announced therefrom while in session, not less than three legislative days before being acted upon by the Senate, excepting therefrom any nomination received after the fifty-seventh day of the session; any appointee so chosen by the Governor may be examined by the State Affairs Committee or other designated committee, which committee ~~shall~~ may submit a report to the whole Senate for adoption.

Adoption by the Senate of the committee report, if any, shall be affirmative action of the Senate on the confirmation of the appointee unless the committee report contains no recommendation. If the committee does not submit a report to the whole Senate for adoption, the appointment shall be deemed rejected and the Senate's consent shall be deemed not to have been given to the appointment.

Any report of the committee recommending confirmation of an appointment need be held for only one day when the recommendation for appointment or report of the appointment has been read across the desk more than three days previously.

SJR 102 and SR 101 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Bair, Bilyeu, Broadsword, Cameron, Fulcher, Hammond, Keough, and Richardson were recorded present at this order of business.

January 19, 2007

The JUDICIARY AND RULES Committee reports that **S1022, S 1023, S 1024, S 1025, S 1026, S 1027, S 1028, S 1029, S 1030, S 1031, S 1032**, and **S 1033** have been correctly printed.

DARRINGTON, Chairman

S 1022, S 1024, S 1032, and **S 1033** were referred to the Judiciary and Rules Committee.

S 1023, S 1029, and **S 1030** were referred to the Commerce and Human Resources Committee.

S 1025 and **S 1028** were referred to the Local Government and Taxation Committee.

S 1026 was referred to the Education Committee.

S 1031 was referred to the State Affairs Committee.

S 1027 was referred to the Resources and Environment Committee.

January 18, 2007

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Celia Gould as the Director of the Department of Agriculture, term to expire at the pleasure of the Governor.

GANNON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 19, 2007

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Patricia J. Story to the Idaho State Building Authority, term to expire January 1, 2011.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 18, 2007

Mr. President:

I transmit herewith Enrolled **HCR 6** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 6** and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1034

BY FINANCE COMMITTEE

AN ACT

RELATING TO TRANSFERS OF FUNDS; PROVIDING A TRANSFER OF FUNDS TO THE FIRE SUPPRESSION DEFICIENCY FUND; PROVIDING A TRANSFER OF FUNDS TO THE PEST CONTROL DEFICIENCY FUND; PROVIDING A TRANSFER OF FUNDS TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; AND DECLARING AN EMERGENCY.

S 1035

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

S 1036

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

S 1037

BY LANGHORST

AN ACT

RELATING TO COMPREHENSIVE CAMPAIGN FINANCE REFORM; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE FINDINGS OF THE LEGISLATURE CONCERNING CAMPAIGN FINANCE REFORM, TO DEFINE TERMS, TO PROVIDE AN ALTERNATIVE CAMPAIGN FINANCING OPTION, TO CREATE THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND SPECIFY SOURCES OF FUNDING, TO SPECIFY THE TERMS OF PARTICIPATION IN THE IDAHO FAIR ELECTIONS ACT CANDIDATE PROCESS, TO GOVERN THE ADMINISTRATION OF THE IDAHO FAIR ELECTIONS ACT, TO PROVIDE VIOLATIONS AND TO REQUIRE A STUDY REPORT TO THE LEGISLATURE; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201H, IDAHO CODE, TO PROVIDE AN ADDITIONAL PENALTY ON ANY CIVIL PENALTY FOR PURPOSES OF THE IDAHO FAIR ELECTIONS ACT TRUST FUND; AMENDING SECTION 67-6607, IDAHO CODE, TO CHANGE THE ALLOWABLE CONTRIBUTION TO CANDIDATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625, IDAHO CODE, TO INCREASE FINES FOR VIOLATION OF CAMPAIGN CONTRIBUTION REPORTING PROVISIONS, TO DEDICATE RECEIPTS TO THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625A, IDAHO CODE, TO INCREASE THE FINE FOR LATE FILING OF REPORTS, TO

DEDICATE RECEIPTS TO THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 79, TITLE 67, IDAHO CODE, TO CREATE THE COMMISSION ON FAIR ELECTION PRACTICES, TO DEFINE TERMS, TO PROVIDE THE POWERS AND DUTIES OF THE COMMISSION ON FAIR ELECTION PRACTICES AND TO PROVIDE THE SOURCE OF FUNDING FOR THE COMMISSION; PROVIDING SEVERABILITY; PROVIDING LIBERAL CONSTRUCTION TO EFFECTUATE THE PURPOSES OF THIS ACT; PROVIDING AN EFFECTIVE DATE, REFERENCING EFFECTIVE DATES INCORPORATED IN SECTIONS OF LAW AND PROVIDING A SUNSET DATE.

S 1038
BY LANGHORST
AN ACT

RELATING TO FINANCIAL DISCLOSURE STATEMENTS FOR PUBLIC OFFICERS AND CANDIDATES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6631, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6632, IDAHO CODE, TO PROVIDE A DUTY TO FILE FINANCIAL DISCLOSURE STATEMENTS BY PUBLIC OFFICERS AND CANDIDATES, TO PROVIDE CONTENTS, TO PROVIDE EXCEPTIONS, TO PROVIDE APPLICATION AND TO PROVIDE FOR DUTIES OF THE SECRETARY OF STATE; AND AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6633, IDAHO CODE, TO PROVIDE CRIMINAL AND CIVIL PENALTIES.

S 1039
BY SCHROEDER
AN ACT

RELATING TO STATE LAND; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-157, IDAHO CODE, TO PROHIBIT THE LEASE, EXCHANGE OR SALE OF STATE LAND TO BE USED TO HOLD DOMESTIC CERVIDAE IN CAPTIVITY FOR ANY PURPOSE.

S 1040
BY SCHROEDER
AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS; APPROPRIATING GENERAL FUND MONEYS FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS AND PROVIDING DIRECTION REGARDING THE EXPENDITURE AND DISTRIBUTION OF \$2,000,000 FOR EMPLOYMENT AND TRAINING FOR WORKING WITH CHILDREN WITH DISABILITIES.

S 1041
BY KELLY, LANGHORST, WERK, BILYEU,
STENNETT, BURKETT, MALEPEAI
AN ACT

RELATING TO MAJOR ENERGY FACILITY SITING; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 68, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE

INTENT, TO DEFINE TERMS, TO PROVIDE METHODS OF ENERGY GENERATION, TO CREATE A STATE ENERGY FACILITY PLANNING COMMITTEE AND TO PROVIDE MEMBERSHIP, TO PROVIDE FOR THE STATE ENERGY FACILITY SITING MANAGEMENT PLAN, TO PROVIDE FOR A MORATORIUM ON PERMITTING, TO PROVIDE FOR PERMITS AND LICENSES, TO PROVIDE FOR LICENSES AND THEIR ISSUANCE AFTER ADOPTION OF THE ENERGY FACILITY SITING MANAGEMENT PLAN, TO PROVIDE FOR EXPANSION, ENLARGEMENT OR ALTERATION OF ENERGY FACILITIES, TO PROVIDE FOR REVIEW AND SITING LICENSES, TO PROVIDE A SITING LICENSE APPLICATION, FEES AND RULES, TO PROVIDE FOR THE CREATION OF SITE REVIEW PANELS, MEMBERS, MEETINGS AND PROCEDURES, TO PROVIDE FOR DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY UPON RECEIPT OF A SITING LICENSE APPLICATION AND TO PROVIDE FOR A RECOMMENDATION, TO PROVIDE THAT INFORMATION OBTAINED SHALL BE A PUBLIC RECORD AND TO PROVIDE A REMEDY FOR DEVALUATION OF PROPERTY CAUSED BY AN APPROVED FACILITY; AND DECLARING AN EMERGENCY.

S 1042
BY WERK, LANGHORST, STENNETT, BURKETT,
BILYEU, MALEPEAI, KELLY
AN ACT

RELATING TO THE TAX ON FOOD; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622UU, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR FOOD FOR HUMAN CONSUMPTION; REPEALING SECTION 63-3024A, IDAHO CODE, RELATING TO THE GROCERY TAX CREDIT; AND PROVIDING EFFECTIVE DATES.

S 1043
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1372, IDAHO CODE, TO REVISE THE CIVIL PENALTY STRUCTURE FOR WILLFUL FAILURE TO TIMELY FILE AN EMPLOYER'S QUARTERLY REPORT; AND DECLARING AN EMERGENCY.

S 1044
BY SCHROEDER
AN ACT

RELATING TO THE LEGISLATIVE COUNCIL; AMENDING SECTION 67-429, IDAHO CODE, TO PROVIDE FOR THE HIRING AND COMPENSATION OF LEGISLATIVE INTERNS AND TO DELETE OBSOLETE LANGUAGE.

S 1034, S 1035, S 1036, S 1037, S 1038, S 1039, S 1040, S 1041, S 1042, S 1043, and S 1044 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 7, by Education Committee, was introduced and read at length.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 7** were suspended.

The President announced that **HCR 7** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Werk, **HCR 7** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 11:30 a.m., Monday, January 22, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary